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PTO/SB/01 (03-01)

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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☐ Declaration  
Submitted  
with Initial  
Filing

OR

☒ Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number 026473.104-US01

First Named Inventor Rong C. Fang

**COMPLETE IF KNOWN**

Application Number 09/935,780-9034

Filing Date August 24, 2001

Group Art Unit 2661

Examiner Name Not Yet Assigned

**As a below named inventor, I hereby declare that:**

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

UNIFIED DATA PACKET FOR ENCAPSULATING DATA PACKETS HAVING DIVERSE FORMATS

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 08/24/2001 as United States Application Number or PCT International

Application No. 09/935,780-9034 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

#3

**Verified Statement (Declaration) Claiming Small Entity Status  
(37 C.F.R. §§ 1.9(d) and 1.27(c)) -- Small Business Concern**

Applicant or Patentee: Rong C. Fang et al.

Appl. or Patent No.: 09/935,780-9034

Attorney Docket No. 026473.104-US01

Filed or Issued: August 24, 2001

For: UNIFIED DATA PACKET FOR ENCAPSULATING DATA PACKETS HAVING DIVERSE FORMATS

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Ocular Networks, Inc.

ADDRESS OF SMALL BUSINESS CONCERN 11109 Sunset Hills Road, Reston, Virginia 20190

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.3-18, and reproduced in 37 C.F.R. § 1.9 (d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

☐ the specification filed herewith with title as listed above.

☒ the application identified above.

☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. §§1.9(e).

Each person, concern or organization (other than the small business concern identified above) having any rights in the invention is listed below:

☒ no such person, concern, or organization exists.

☐ each person, concern, or organization is listed below.

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §§ 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

Robert S. Furr

TITLE IN ORGANIZATION

VP Finance and Administration

ADDRESS OF PERSON SIGNING

11109 Sunset Hills Rd.; Reston, Va. 20170

SIGNATURE

Robert S. Furr

DATE

11/21/01

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PTO/SB/02A (11-00)

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# DECLARATION

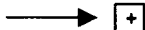
## ADDITIONAL INVENTOR(S) Supplemental Sheet

Page 1 of 1

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
David John		Tozer	
Inventor's Signature		Date 11/20/01	
Residence: City	State	Country	Citizenship
Leesburg	Virginia	USA	UK
Mailing Address: 17603 Dry Mill Road			
City	State	ZIP	Country
Leesburg	Virginia	20175	USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Joseph M.		Cordani	
Inventor's Signature		Date 11/15/01	
Residence: City	State	Country	Citizenship
Hamilton	VA	USA	USA
Mailing Address: 17571 Deavers Court			
City	State	ZIP	Country
Hamilton	VA	20158	USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
James J.		Wisniewski	
Inventor's Signature		Date 11/16/2001	
Residence: City	State	Country	Citizenship
Bristow	VA	USA	USA
Mailing Address: 13301 Lawrence Lane			
City	State	ZIP	Country
Bristow	VA	20136	USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Christopher D.		Roller	
Inventor's Signature		Date 11/16/2001	
Residence: City	State	Country	Citizenship
Fairfax	VA	USA	USA
Mailing Address: 12762 Misty Creek Lane			
City	State	ZIP	Country
Fairfax	VA	22033	USA



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## DECLARATION — Utility or Design Patent Application

Direct all correspondence to:



Customer Number  
or Bar Code Label

26853

OR



Correspondence address below

Name Covington & Burling			
Address 1201 Pennsylvania Avenue, NW			
City Washington	State D.C.	ZIP 20004-2401	
Country USA	Telephone 202.662.6000	Fax 202.662.6291	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Rong C.		Family Name or Surname Fang	
Inventor's Signature <i>Rong C. Fang</i>		Date 11-15-01	
Residence: City Oak Hill	State VA	Country USA	Citizenship U.S.A
Mailing Address:	12759 Oak Farms Drive		
City Oak Hill	State VA	ZIP 20171	Country USA
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Paramjit S.		Family Name or Surname Labana	
Inventor's Signature <i>Paramjit Labana</i>		Date 11/15/01	
Residence: City Herndon	State VA	Country USA	Citizenship BRITISH
Mailing Address:	2203 Herman Court		
City Herndon	State VA	ZIP 20170	Country USA
<input checked="" type="checkbox"/> Additional inventors are being named on the <u>1</u> supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.			

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Rong C. Fang, et al.

Application No./Patent No.: 09/935,780

Filed/Issue Date: August 24, 2001

Entitled: UNIFIED DATA PACKET FOR ENCAPSULATING DATA PACKETS HAVING DIVERSE FORMATS

Ocular Networks, Inc.  
(Name of Assignee)

, a corporation  
Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

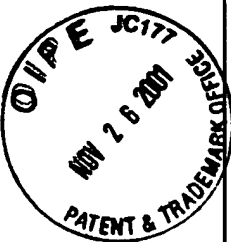
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

11/21/01  
Date

Ocular Networks, Inc.  
Typed or printed name

[Signature]  
Signature

VP Finance and Administration  
Title



## **ASSIGNMENT BY INVENTORS**

**THIS ASSIGNMENT**, made by Rong C. Fang, residing at 12759 Oak Farms Drive, Oak Hill, Virginia 20171; Paramjit S. Labana, residing at 2203 Herman Court, Herndon, Virginia 20170; David J. Tozer, residing at 17603 Dry Mill Road, Leesburg, Virginia 20175; Joseph M. Cordani, residing at 17571 Deavers Court, Hamilton, Virginia 20158; James J. Wisniewski, residing at 13301 Lawrence Lane, Bristow, Virginia 20136; and Christopher D. Roller, residing at 12762 Misty Creek Lane, Fairfax, Virginia 22033 (hereinafter referred to as Assignors),

**WHEREAS**, Assignors have invented certain new and useful improvements in UNIFIED DATA PACKET FOR ENCAPSULATING DATA PACKETS HAVING DIVERSE FORMATS, set forth in a Patent application for Letters Patent of the United States, already filed on August 24, 2001 as U.S. application No. 09/935,780-9034; and

**WHEREAS**, Ocular Networks, a Corporation, having its principal place of business at Sunset Corp. Plaza II, 11109 Sunset Hills Road, Reston, Virginia 20190 (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said inventions and said Application for Letters Patent of the United States, and in and to any Letters Patent of the United States to be obtained therefore and thereon.

**NOW, THEREFORE**, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, Assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions and application for Letters Patent, and in and to any and all direct and indirect divisions, continuations and continuations-in-part of said application, and any and all Letters Patent in the United States and all foreign countries which may be granted therefore and thereon, and reissues, reexaminations and extensions of said Letters Patent, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by Assignee, for its own use and benefit and the use and benefit of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent may be granted and/or extended, as fully and entirely as the

same would have been held and enjoyed by Assignors, had this sale and assignment not been made.

**AND** for the same consideration, Assignors hereby represent and warrant to Assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, except for any rights, titles and/or interests that have arisen to Assignee under law or that have already been transferred to Assignee, Assignors are the sole and lawful owners of the entire right, title and interest in and to the said inventions and application for Letters Patent above-mentioned, and that the same are unencumbered and that Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

**AND** for the same consideration, Assignors hereby covenant and agree to and with Assignee, its successors, legal representatives and assigns, that Assignors will sign all papers and documents, take all lawful oaths and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of any Letters Patent and applications for Letters Patent for said inventions, without charge to Assignee, its successors, legal representatives and assigns, whenever counsel of Assignee, or counsel of its successors, legal representatives and assigns, shall advise: that any proceeding in connection with said inventions, or said Patent application for Letters Patent, or any proceeding in connection with any Letters Patent or applications for Letters Patent for said inventions in any country, including but not limited to interference proceedings, is lawful and desirable; or, that any division, continuation or continuation-in-part of any application for Letters Patent, or any reissue, reexamination or extension of any Letters Patent, to be obtained thereon, is lawful and desirable.

**AND** Assignors hereby request the Commissioner of Patent and Trademarks to issue said Letters Patent of the United States to Assignee, as Assignee of said inventions and the Letters Patent to be issued thereon, for the sole use and benefit of Assignee, its successors, legal representatives and assigns.

**AND** Assignors hereby grant the following individuals the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply



with the rules of the United States Patent and Trademark Office for recordation of this document:

COVINGTON & BURLING

Paul J. Berman	36,744	Ann O. McGeehan	45,839	Christopher N. Sipes	39,837
Kurt Geoffrey Calia	38,702	Jeannie M. Perron	31,180	Lee J. Tiedrich	42,184
Richard P. Dulik	40,598	C. Edward Polk	45,830	Henry P. Ting	46,278
Thomas W. Krause	40,335	Andrea G. Reister	36,253	Grady L. White	40,874
Scott B. Markow	46,899	David P. Ruschke	40,151	Anthony S. Yoo	45,540

**AND** Assignors acknowledge an obligation of assignment of this invention to Assignee at the time the invention was made.

Rong C. Fang  
Rong C. Fang

Date: November 15, 2001

United States of America )  
State of Virginia ) ss.:  
County of Fairfax )

On this 15 day of November, 2001, before me  
personally came Rong C. Fang, to me known to be the individual  
described in and who executed the foregoing instrument, and acknowledged execution  
of the same.

Anna M. M. M.  
Notary Public

My commission expires 11/30/05

Paramjit S. Labana  
Paramjit S. Labana

Date: November 15, 2001

United States of America )  
State of Virginia ) ss.:  
County of Fairfax )

On this 15 day of November, 2001, before me  
personally came Paramjit S. Labana, to me known to be the individual  
described in and who executed the foregoing instrument, and acknowledged execution  
of the same.

Anna Armas  
Notary Public

My commission  
expires 11/30/05

Joseph M. Cordani

Joseph M. Cordani

Date: November 15, 2001

United States of America )  
State of Virginia ) ss.:  
County of Fairfax )

On this 15 day of November, 2001, before me  
personally came Joseph M. Cordani, to me known to be the individual  
described in and who executed the foregoing instrument, and acknowledged execution  
of the same.

Anna Hui  
Notary Public

My commission expires 11/30/05

James J. Wisniewski  
James J. Wisniewski

Date: November 16, 2001

United States of America )  
State of Virginia ) ss.:  
County of Fairfax )

On this 16 day of November, 2001, before me  
personally came James J. Wisniewski, to me known to be the individual  
described in and who executed the foregoing instrument, and acknowledged execution  
of the same.

Anna Gruis  
Notary Public

My commission expires 11/30/05

Christopher D. Roller

Christopher D. Roller

Date: November 16, 2001

United States of America )

State of VIRGINIA ) ss.:

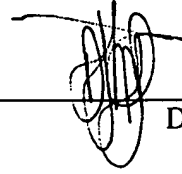
County of FAIRFAX )

On this 16<sup>TH</sup> day of November, 2001, before me personally came Christopher D. Roller, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.

Linda Mathews

Notary Public

MY COMMISSION EXPIRES 5/31/04



David J. Tozer

Date: 11/20/01

United States of America )  
State of Pa ) ss.:  
County of York )

On this 20<sup>th</sup> day of November, 2001, before me  
personally came David J. Tozer, to me known to be the individual  
described in and who executed the foregoing instrument, and acknowledged execution  
of the same.

  
Notary Public